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IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
CHHATTISGARH

W.O. APPEAL NO. 33 /2006 7

APPELLANT

1. Shri Santosh Agrawal,
S/o - Late Shri R.D.
Agrawal, Aged about - 42
years, R/o - 33 Doongaji
Colony, Raipur (C.G.)

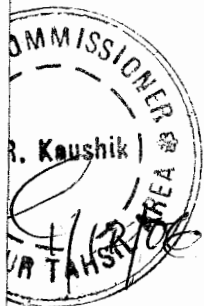
VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through: The Secretary,
Cooperative Department,
D.K.S. Bhawan,
Mantralaya,
Raipur, District - Raipur
(C.G.).
2. The Registrar,
Cooperative Societies,
Telibandha, Ring Road,
Sethi Villa, Raipur (C.G.)
3. Dy. Registrar,
Cooperative Societies,
Near Zila Panchayat Office,
G.E. Road, Raipur (C.G.)
4. Agroha Grihnirman
Sahakari Samiti Maryadit,
Through: Its President
Shri Santosh Agrawal (the
Society is presently under
Suspension), Agrasen
Nagar, Ring Road Chowk,
Mahadev Ghat, Raipur,
(C.G.)

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P.R. No. 2141/06
Presented by Parvash Bhatter
dated 2/12/06



WRIT APPEAL UNDER RULE 157 (10) OF THE HIGH COURT
OF CHHATTISGARH RULES AGAINST THE ORDER DT.
07/11/06 PASSED BY SINGLE BENCH OF THE HIGH
COURT OF JUDICATURE, AT BILASPUR

The appellant most respectfully states as under:-

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT APPEAL NO. 33 OF 2007

APPELLANT

Shri Santosh Agrawal

Versus

RESPONDENTS

State of Chhattisgarh & Others

Present : Shri Gautam Bhaduri, counsel for the appellant.
Shri N.K. Agrawal, Dy. Advocate General for the State.

ORAL ORDER
(Passed on 26th February, 2007)

The following oral order of the Court was passed by
H.L Dattu, CJ.

This appeal is filed against the order passed by the learned
Single Judge in W.P.No.4056/2006 on 7-11-2006. By the impugned
order, the learned Single Judge has declined to entertain this writ
petition solely on the ground that the petitioner has an alternate and
effective remedy provided under the statute itself.

2) Facts in brief are :

The appellant before us was the President of fourth respondent
society. The fourth respondent had issued a show cause notice to the
appellant to show cause why action should not be taken against the
appellant, for the alleged acts of omissions and commissions said to
have been committed by him. The appellant had filed his reply by
letter dated 25-7-2006 denying the allegations made in the show cause

notice. The Deputy Registrar, Cooperative Societies, thereafter has passed an order dated 24-7-2006 by way of an interim measure.

3) Aggrieved by the said order, the appellant had preferred writ petition before this Court in W.P.No.4056/2006.

4) The learned Single Judge has rejected the writ petition on the ground, that if for any reason the petitioner is aggrieved by the order passed by the Deputy Registrar, Cooperative Societies, the same is appellable as provided under Section 77 of the Chhattisgarh Cooperative Societies Act, 1960.

5) The writ remedy is an extraordinary remedy provided to a citizen. If a statute provides an alternate, effective and efficacious remedy, a citizen cannot bypass that remedy and approach this Court for relief under Article 226 of the Constitution. Keeping this aspect of the matter in view, the learned Single Judge has rejected the writ petition.

6) We have carefully gone through the order passed by the learned Single Judge and the statutory provisions. Section 77 of the Chhattisgarh Cooperative Societies Act, 1960 provides an appeal remedy against the orders passed by the Deputy Registrar, Cooperative Societies. In our opinion, without exhausting the said remedy, the petitioner could not have filed the writ petition before this Court. In that view of the matter, while concurring with the findings and the conclusions reached by the learned Single Judge, we reject this writ appeal.

7) Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge